Case 2	:11-cv-07280-JFW-MRW Doo	cument 66	Filed 08/27/12	Page 1 of 3	Page ID #:987
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8	UNITED STATES DISTRICT COURT				
9	CENTRAL DISTRICT OF CALIFORNIA				
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11	JAMES BLAND, an Indivi	dual,	Case No. 2	2:11-cv-0728	0-JFW-MRW
12	Plaintiff, vs.  CALIFORNIA LUTHERAN UNIVERSITY, a California corporation; LEANNE NEILSON, an Individual,  Defendants.		JUDGMENT RE: DEFENDANTS CALIFORNIA LUTHERAN UNIVERSITY AND LEANNE NEILSON'S MOTION TO DISMISS; MOTION FOR CONTEMPT AND FRCP RULE 37(B) EVIDENTIARY AND MONETARY SANCTIONS; AND MOTION FOR SUMMARY JUDGMENT		
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17	Defendants.				
18	The Court has considered the evidence and papers submitted in support of				
19	and in opposition to Defendants California Lutheran University and Leanne				
20	Neilson's (collectively "Defendants") Motion to Dismiss with Prejudice Pursuant to				
21	FRCP Rules 37(b) and 41(b) and Monetary Sanctions, Motion for Contempt and				
22	FRCP Rule 37(b) Evidentiary and Monetary Sanctions, and Motion for Summary				
23	Judgment, and documents on file in this action. Pursuant to Rule 78 of the Federal				
24	Rules of Civil Procedure and Local Rule 7-15, the Court finds that these matters are				
25	appropriate for decision without oral argument and vacated the hearing calendared				
26	for August 27, 2012.				
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	[PROPOSED] JUDGMENT				

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I. Defendants' Motion to Dismiss

After due consideration of the evidence, the Court finds that Plaintiff willfully and deliberately failed to participate in discovery during the course of this litigation and further failed to attend his properly-noticed deposition despite a court order to do so. The Court therefore GRANTS Defendants' Motion to Dismiss Plaintiff's Complaint with Prejudice and imposes monetary sanctions in the amount of \$1,000.00 against Plaintiff.

## II. <u>Defendants' Motion for Contempt and FRCP Rule 37(b) Evidentiary</u> and Monetary Sanctions

In the alternative, the Court GRANTS Defendants' Motion for Contempt and FRCP Rule 37(b) Evidentiary and Monetary Sanctions IN PART AND DENIES IT IN PART, adopting the Magistrate Judge's recommendation to preclude Plaintiff from submitting declarations in opposition to Defendants' Motion for Summary Judgment, but denying Defendants' request for contempt.

## III. <u>Defendants' Motion for Summary Judgment</u>

In the alternative, the Court finds that the evidence Defendants presented demonstrates that Defendants are entitled to summary judgment and that Plaintiff has failed to present a genuine issue as to any material fact. The Court therefore GRANTS Defendants' Motion for Summary Judgment.

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JUDGMENT

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JUDGMENT

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